

2004 CPG

COMPREHENSIVE
PROCUREMENT
GUIDELINES

EPA EXPANDS COMPREHENSIVE PROCUREMENT GUIDELINE (CPG)

As part of its continuing program to promote the use of recovered materials, the U.S. Environmental Protection Agency (EPA) has expanded the federal buy-recycled program by adding seven new items to its Comprehensive Procurement Guideline (CPG). EPA also revised the designations for three CPG items. This brings to 61 the number of recycled-content products designated under the CPG. EPA issued the original CPG regulations and the non-regulatory Recovered Materials Advisory Notice (RMAN) in May 1995. RMANs provide purchasing recommendations and guidance for the products designated in the CPG and are updated periodically to reflect market conditions.

In November 1997, EPA updated the original CPG with the publication of *Federal Register* notices for CPG II and RMAN II, covering an additional 12 items. In January 2000, EPA issued CPG III and RMAN III, covering 18 new items. Most recently, in April 2004, EPA issued CPG IV and RMAN IV, covering seven new items. Updated RMANs for paper and paper products were published in May 1996 and June 1998.

The CPG designates items in the following eight product categories: paper and paper products, vehicular products, construction products, transportation products, park and recreation products, landscaping products, nonpaper office products, and miscellaneous products.

Why Did EPA Publish the CPG and RMANs?

To encourage the use of materials recovered through recycling, and thereby help to reduce the amount of waste that must be disposed of, Congress directed government agencies to increase their purchases of recycled-content products. Section 6002 of the Resource Conservation and Recovery Act (RCRA) requires EPA to designate products that can be made with recovered materials and to recommend practices for buying these products. Once a product is designated, procuring agencies are required to purchase it with the highest recovered material content level practicable. Executive Order (EO) 13101, issued in September 1998, reinforces RCRA's buy-recycled requirements.

Who Is Required to Buy Recycled Products?

Under RCRA, the requirement to purchase an EPA-designated product containing recovered materials applies to "procuring agencies" that spend more than \$10,000 a year on that item. Procuring agencies include all federal agencies, and any state or local agency or government contractor that uses appropriated federal funds. For example, if a county agency spends more than \$10,000 a year on an EPA-designated item, and part of that money is from appropriated federal funds, then the agency must purchase that item made from recovered materials.



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CPG Categories and Designated Items

(Items in italics were designated in CPG IV)

Paper and Paper Products

Vehicular Products

Engine Coolants
Rebuilt Vehicular Parts
Re-refined Lubricating Oils
Retread Tires

Construction Products

Building Insulation Products
Carpet Cushion
Cement and Concrete Containing Coal Fly Ash,
Ground Granulated Blast Furnace Slag,
Cenospheres, or Silica Fume
Consolidated and Reprocessed Latex Paint
Floor Tiles
Flowable Fill
Laminated Paperboard
Modular Threshold Ramps
Nonpressure Pipe
Patio Blocks
Polyester Carpet
Railroad Grade Crossing Surfaces
Roofing Materials
Shower and Restroom Dividers and Partitions
Structural Fiberboard

Transportation Products

Channelizers
Delineators
Flexible Delineators
Parking Stops
Traffic Barricades
Traffic Cones

Park and Recreation Products

Park Benches and Picnic Tables
Plastic Fencing
Playground Equipment
Playground Surfaces
Running Tracks

Landscaping Products

Food Waste Compost
Garden and Soaker Hoses
Hydraulic Mulch
Lawn and Garden Edging
Plastic Lumber Landscaping Timbers and Posts
Yard Trimmings Compost

Nonpaper Office Products

Binders (plastic covered, chipboard, and
pressboard)
Office Furniture
Office Recycling Containers
Office Waste Receptacles
Plastic Binders
Plastic Clipboards
Plastic File Folders
Plastic Clip Portfolios
Plastic Presentation Folders
Plastic Desktop Accessories
Plastic Envelopes
Plastic Trash Bags
Printer Ribbons
Toner Cartridges

Miscellaneous Products

Awards and Plaques
Bike Racks
Blasting Grit
Industrial Drums
Manual-Grade Strapping
Mats
Pallets
Signage
Sorbents

Affirmative Procurement Program

Affirmative procurement—or buying recycled—is an agency's strategy for maximizing its purchases of EPA-designated items. The affirmative procurement program should also ensure that designated items purchased are composed of as much recovered materials as possible. Programs should be flexible enough to incorporate newly designated items, and must consist of the following components:

- A recovered materials preference program.
- An agency promotion program.
- Procedures for obtaining estimates and certifications of recovered materials content and, where appropriate, reasonably verifying those estimates and certifications.*
- A program to monitor and annually review the effectiveness of the affirmative procurement program.

Additionally, within one year following EPA designation of an item, procuring agencies must revise their specifications to require the use of recovered materials to the maximum extent possible without jeopardizing the intended end use of the item.

The May 1995 RMAN provides general guidance for developing affirmative procurement programs. In addition, technical background documents and supporting analyses to each CPG update include detailed guidance on establishing affirmative procurement programs. See page 5 of this fact sheet for information on accessing these and other helpful resources.

Preference Program

A *preference program* is the system by which an agency implements its stated preference for purchasing products containing recovered materials. RCRA identifies three options for preference programs:

- **Minimum Content Standards** specify the minimum amount of recovered materials that designated items should contain. EPA recommends ranges of recovered materials content that are currently available, and procuring agencies should establish their own standards based on these ranges.
- **Case-by-Case Policy Development** is used when a procuring agency determines that minimum content standards are inappropriate for a specific procurement action. This option allows the procuring agency to establish a separate recovered materials content requirement for the specific procurement action, while still enabling the agency to procure the designated product with the highest amount of recovered materials practicable.
- **Substantially Equivalent Approaches**, such as establishing service contracts for product remanufacturing, are used when minimum content standards are inappropriate. For example, procuring agencies may establish service contracts for remanufacturing toner cartridges.

* The Federal Acquisition Regulation (FAR) requires standard contract language to obtain estimates, certifications, and verifications of recovered materials content of products provided under a contract. See page 4 of this fact sheet for more information on the FAR.

Promotion Program

Agencies must actively advertise their desire to buy recycled content products, both within their organizations and to product vendors. Internal promotion usually is a broad-based employee education and outreach program that affirms an agency's procurement policy through advertising, workshops, agency newsletters, and technical and staff manuals. Examples of external promotion to suppliers include publishing articles in trade journals, participating in vendor shows or trade fairs, placing statements in bid solicitations, and discussing an agency's procurement policy at bidders' conferences.

What Are the Estimation, Certification, Verification, and Monitoring

Agencies should use standard contract provisions to estimate, certify, and, where appropriate, reasonably verify the recovered materials content in a product procured by an agency. Programs also must be monitored and tracked to ensure that they are fulfilling their requirements to purchase items composed of recovered materials.

May an Agency Purchase CPG Items That Do Not Contain Recovered Materials?

Agencies may elect not to purchase designated items containing recovered materials when the cost is unreasonable; inadequate competition exists; items are not available within a reasonable period of time; or items do not meet reasonable performance specifications. Sections 402(c) and 502(c) of EO 13101 require agencies to provide written justification for non-compliant procurements.

Does the Federal Acquisition Regulation (FAR) Address Purchasing of Products Designated in the CPG?

Under RCRA section 6002, purchasing of EPA-designated items must be consistent with other federal procurement requirements. The FAR is the primary regulation used by federal executive agencies in their acquisition of supplies and services. On August 22, 1997, a final rule was published in the *Federal Register* (62 FR 44809) amending the FAR to reflect the federal government's preference for the acquisition of environmentally sound and energy-efficient products and services and to incorporate the requirements of RCRA section 6002. The FAR revisions include solicitation provisions, clauses for obtaining certifications and estimates of recovered materials content from contractors, and a requirement that agencies establish an affirmative procurement program for EPA-designated items. The FAR can be accessed electronically at <www.arnet.gov/far>; then select the section that includes Part 23.

What's the Difference Between Items Designated in the CPG and Environmentally Preferable Products?

EO 13101 directs federal agencies to identify and purchase environmentally preferable products, which are products that have a lesser or reduced effect on human health and the environment when compared to other products and services that serve the same purpose. Items listed in the CPG are designated based on recycled content, whereas the criteria for environmentally preferable products include multiple attributes such as energy use; conservation of resources; impacts on air, water, and land; and use of toxic or hazardous constituents.

For More Information

This fact sheet and other documents on the CPG program are available on the Internet at <www.epa.gov/cpg>. This Web site provides an overview of the CPG program, product fact sheets, and details on the individual designated items. Links to all of the CPG and RMAN *Federal Register* notices are available on the Web site at <www.epa.gov/cpg/backgrnd.htm>.